

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOEL A. MELENDEZ,

Plaintiff,

v.

CIV No. 21-00061

**CITY OF LAS CRUCES
POLICE DEPARTMENT,
and D'ANTHANY ROOHR,**

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1441(a) and 1446(a), Defendants, City of Las Cruces Police Department and D'Anthony Roohr, through their attorneys, Robles, Rael & Anaya, P.C. (Luis Robles) give Notice of Removal to this Court of the civil action filed in the Third Judicial District Court for the State of New Mexico, County of Dona Ana, Cause No. D-307-CV-2020-02571 ("State Court Action"), by Plaintiff, Joel A. Melendez, and as grounds therefore state:

1. On December 11, 2020, Plaintiff filed a Civil Complaint (*hereinafter* referred to as "Complaint"). An endorsed copy of the Complaint is attached hereto as **Exhibit A**.
2. On December 28, 2020, Plaintiff's counsel sent a letter to Defendant, City of Las Cruces (*hereinafter* referred to as "City Defendant") attaching Plaintiff's Complaint via certified mail. Defendant, City of Las Cruces, was served a copy of Plaintiff's Complaint on or about December 30, 2020.
3. Defendant, D'Anthony Roohr (*hereinafter* referred to as "Defendant Roohr"), was

served a copy of Plaintiff's Complaint on or about December 30, 2020.

4. Upon information and belief, this Notice of Removal is timely because it is filed within 30 days of service upon Defendants.

5. Defendants, City of Las Cruces Police Department and D'Anthony Roohr, consent to removal.

6. Pursuant to 28 U.S.C. § 1446(d), copies of the Notice of Removal will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Clerk of the Third Judicial District Court, County of Dona Ana, State of New Mexico.

7. The claims stated against Defendants in the Complaint are subject to the jurisdiction of this Court pursuant to 42 U.S.C. § 1983, having brought Fourth and Fourteenth Amendment claims against Defendants.

a. This Court has original jurisdiction under 28 U.S.C. § 1331 because Plaintiff's Complaint is founded, in part, on claims or rights arising under the Constitution and laws of the United States.

8. Pursuant to Rule 81.1(a) of the Local Rules of the United States District Court for the District of New Mexico, Defendants will, within twenty-eight (28) days, file a Notice of Filing of State Court Record and certified copies of the pleadings filed in the Third Judicial District Court for the State of New Mexico, County of Dona Ana in Cause No. D-307-CV-2020-02571.

Respectfully submitted,

ROBLES, RAEL & ANAYA, P.C.

By: /s/ Luis Robles
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I hereby certify that on this 25th day of January, 2021, the foregoing was served via the CM/ECF system and served via electronic mail as follows:

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